

EXHIBIT A

DEPOSITION OF GAILYN KENNEDY
May 4, 2018

1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PAUL STOCKINGER, ELIZABETH)
STOCKINGER, GAILYN KENNEDY,)
BASUDEB DEY, BRENDA FLINN, ELIEZER)
CASPER, and YVETTE ALLEY on behalf)
of themselves and all others)
similarly situated,)

Plaintiffs,)

vs.)

TOYOTA MOTOR SALES, U.S.A., INC.,)
a California corporation,)

Defendant .)
_____)

Case No.

17-cv-00035-VAP-KS

DEPOSITION OF GAILYN KENNEDY

Los Angeles, California

Friday, May 4, 2018

Volume 1

Reported By:
ELIZABETH BORRELLI
CSR No. 7844
JOB No. 125970

LUDLOW LITIGATION SUPPORT
833-336-3010

DEPOSITION OF GAILYN KENNEDY
May 4, 2018

13

1 **that vehicle?**

2 A. Yvette Gayfield.

3 **Q. And who is Yvette Gayfield?**

4 A. She is the mother of a teenage boy that my
5 husband and I have been mentoring. The car was
6 intended to be for him when he proved his -- when he
7 improved his grades at school. It was an incentive.

8 **Q. And when you say that you -- is it fair to**
9 **say you then transferred title --**

10 A. Yes.

11 **Q. -- of the vehicle?**

12 A. Yes.

13 **Q. Okay. And do you recall -- you said**
14 **"about a year ago." Would -- would that be around**
15 **April of 2017?**

16 A. Yes.

17 **Q. Do you have any documents reflecting the**
18 **transfer of title?**

19 A. I don't.

20 **Q. Do you know how transfer was titled -- how**
21 **title was transferred?**

22 A. My husband handled that.

23 **Q. Does he have any documents reflecting the**
24 **transfer of title?**

25 A. I -- I doubt it. I -- I -- I don't know.

DEPOSITION OF GAILYN KENNEDY

May 4, 2018

14

1 Q. Did you ever ask him for documents
2 regarding title to the vehicle in connection with
3 this particular case?

4 A. No.

5 Q. And in connection with this particular
6 case, did you ever ask your husband for any
7 documents he may have concerning the 2007 Lexus?

8 A. Yes.

9 Q. Did he provide those documents --

10 A. Yes.

11 Q. -- to you?

12 But you did not ask him for any documents
13 regarding title of the vehicle?

14 A. Not specifically.

15 Q. Do you know where -- is it Mrs. Gayfield
16 or Ms. Gayfield?

17 A. She's -- she's not married. I'm not sure
18 what she goes by --

19 Q. I --

20 A. -- but Ms. Gayfield -- they -- I'm sorry.
21 Finish the question.

22 Q. No, I was just --

23 A. Where she lives or --

24 Q. That's fine. Yeah, I was going to ask
25 where Ms. Gayfield lives.

DEPOSITION OF GAILYN KENNEDY
May 4, 2018

15

1 A. They -- she and her son, Aaron, live in
2 Oakland, California.

3 Q. Okay. Do you know her address, street
4 address?

5 A. I don't. She's moved. I mean, I have it
6 at home.

7 Q. Okay. And do you know whether her -- her
8 son made the grades necessary to get the car?

9 A. Yes. He took possession of the car.

10 Q. Okay. How old is her son?

11 A. He just turned 18 May 1st.

12 Q. And that's May 1st this year?

13 A. Yes.

14 Q. Okay. So do you know whether title has
15 been transferred to him now that he is 18 years of
16 age and has taken possession of the car?

17 A. I don't know for certain.

18 Q. Okay. And so when you transferred the
19 2007 Lexus vehicle to Ms. Gayfield in around April
20 of 2017, do you know how many miles the vehicle had
21 on it at that time?

22 A. I don't know exactly, but the car was 10
23 years old, so my guess would be around 100,000.
24 That's purely a guess.

25 Q. Okay. Maybe 130,000 or so?

DEPOSITION OF GAILYN KENNEDY
May 4, 2018

19

1 Q. Okay. And do you still have a
2 relationship with Ms. Gayfield?

3 A. Yes.

4 Q. How often do you see them?

5 A. Not often. We're friends on Facebook. My
6 husband talks to Aaron more than I do. Personally,
7 I -- I don't have contact with Aaron. His birthday,
8 certainly, I did. I would say once every six
9 months --

10 Q. Okay.

11 A. -- for me.

12 Q. And you said your husband speaks with
13 Aaron on the phone occasionally?

14 A. They text --

15 Q. Okay.

16 A. -- about sports and things, yes.

17 Q. Do you know how frequently they -- they do
18 that?

19 A. I would say monthly.

20 Q. Okay. What was -- how did it come about
21 that you decided to transfer title of your 2007
22 Lexus to Ms. Gayfield?

23 A. We wanted to purchase a new car. The car
24 was 10 years old, and the trade-in value wasn't
25 much, and Tim thought it would be a -- an idea to

DEPOSITION OF GAILYN KENNEDY
May 4, 2018

20

1 give it to Aaron as a gift. And this is something
2 that we've historically done, is -- is give cars to
3 family members when we upgrade.

4 **Q. And do you recall when you and your**
5 **husband discussed that, doing that?**

6 A. Over a year ago, yes.

7 **Q. And do you then -- after you had that**
8 **discussion, did you approach Ms. Gayfield or did**
9 **your husband approach Ms. Gayfield?**

10 A. My husband did.

11 **Q. Okay. Do you know what her reaction was**
12 **when he -- he offered this -- this Lexus vehicle to**
13 **her?**

14 A. I believe she was very happy and pleased
15 that -- with the gift.

16 **Q. And were you present or your husband**
17 **present when -- when Aaron turned 18 and -- and took**
18 **possession of the vehicle?**

19 MR. GRADEN: Objection.

20 MR. ERCOLE: Sorry, this is another --
21 another rule I should have mentioned, and I
22 neglected to say this yesterday too, which is I may
23 ask questions and your counsel may have objections
24 to them. But since this is a deposition, unless he
25 instructs you not to answer, you need to respond to

DEPOSITION OF GAILYN KENNEDY

May 4, 2018

22

1 A. I don't know if she drove the car or not.

2 I -- I don't know.

3 Q. And -- and so is it -- is it possible that
4 the car sort of sat in -- was the car in her
5 driveway? Does she have a drive -- Ms. Gayfield
6 have a driveway in her house?

7 A. Yes.

8 Q. Okay. And is it possible that the car
9 would have sat in the driveway for a year until
10 Aaron took possession of the vehicle?

11 A. No.

12 Q. Okay.

13 A. Not that long.

14 Q. And if -- how -- why is it that you say it
15 would not have sat in the driveway? How would you
16 know that it didn't sit in the driveway?

17 MR. GRADEN: Objection.

18 You can answer.

19 THE WITNESS: He had his learner's permit.
20 Tim helped to teach him to drive. And I know that
21 he would drive the car with his mother before he was
22 legally able to drive the car alone. So the car was
23 definitely driven. I just don't know how frequently
24 or -- or between the two of them, who did the
25 majority of the driving. I don't know.